

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3122

February 26, 2012

SUMMARY OF BILL: Creates a statutory procedure for making settlement offers in certain cases in chancery, circuit, and appellate court. Describes what constitutes a settlement offer and the types of costs included in such an offer. Requires a court to off-set any damages awarded to a plaintiff in certain circumstances when a settlement offer made by a defendant is rejected by the plaintiff. Makes a defendant liable to the plaintiff for costs accrued after a settlement offer is made by a plaintiff but rejected by the defendant. Establishes the timeline, burdens of proof, and procedures for moving for costs following a judgment.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- The proposed bill may lead to more settlement offers or actual settlements in matters scheduled for trial, but it may also lead to increased cost motions filed post trial. The resulting impact on the caseloads of state trial and appellate courts is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/lsc

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